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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of

Cellular Telephone Industry
Association Petition For Waiver
To Extend Implementation Deadlines
Of Wireless Number Portability

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CC Docket No. 95-116

To: Chief, Wireless Telecommunications Bureau

COMMENTS OF THE
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.

Respectfully submitted,

AMERICAN MOBILE TELECOMMUNICATIONS
ASSOCIATION, INC.

By:



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January 9, 1998

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The American Mobile Telecommunications Association, Inc. ("AMTA" or "Association") respectfully submits these comments in response to the Federal Communications Commission ("FCC" or "Commission") December 9, 1997, Public Notice seeking comments on the Cellular Telecommunications Industry Association's ("CTIA") petition seeking a waiver of the implementation schedule for wireless number portability ("Petition").¹ Although AMTA is not in a position to comment on the feasibility of the Personal Communications Service ("PCS") or cellular industries' implementing the FCC's number portability requirements within the current time frame, AMTA does not oppose CTIA's request. AMTA takes this opportunity to stress however, that the Commission must address the discrepancy between the FCC's policy analysis and the covered SMR provider definition adopted in this proceeding. AMTA suggests that the Commission modify its number portability obligations to apply the definition of covered SMR recently adopted in the E911 proceeding.² Additionally, the Association requests that the Commission toll the implementation schedule for SMR providers while this issue remains pending and provide any SMR providers that ultimately are determined to be subject to a number portability requirement with an implementation period equal to that allowed other CMRS licensees.

I. Introduction

1. AMTA is a nationwide, non-profit trade association dedicated to the interests of the specialized wireless communications industry. The Association's members include trunked

¹ Public Notice, Wireless Telecommunications Bureau ("Bureau") Seeks Comment on CTIA Petition For Waiver To Extend Implementation Deadlines Of Wireless Number Portability, DA 97-2579 (rel. Dec. 9, 1997) ("Notice").

² Memorandum Opinion and Order, CC Docket No. 94-102, 12 FCC Rcd ____ (rel. December 23, 1997).

and conventional 800 MHz and 900 MHz Specialized Mobile Radio ("SMR") operators, licensees of wide-area SMR systems, and commercial licensees in the 220 MHz and 450-512 MHz bands. These members provide commercial wireless services throughout the country. Many are classified as Commercial Mobile Radio Service ("CMRS") operators: some also would be considered "covered SMRs" under the definition currently applicable for purposes of the number portability obligations. Thus, AMTA and its members have a significant interest in the outcome of this proceeding.

II. Discussion

2. The instant Notice seeks comment on CTIA's request that the Bureau establish a new service provider portability implementation date of March 31, 2000. As described in the Notice, CTIA claims that wireless carriers are unable to meet the current implementation schedule of June 30, 1999 because the industry will not technically be able to support number portability by that time. To the extent the PCS and cellular industries will be incapable of implementing number portability within the Commission's current time frame, AMTA supports CTIA's Petition.

3. AMTA takes this opportunity to reiterate its position that the vast majority of SMR operators included within the covered SMR provider definition in respect to this obligation were not intended by the FCC to be subject to the number portability requirements, and are incapable of meeting them. AMTA urges the Commission to apply to the number portability rules and regulations the covered SMR definition which the Commission recently adopted in the E911 proceeding.

4. AMTA and other parties have petitioned for reconsideration of the FCC's decision

to impose number portability obligations on covered SMR providers, as currently defined. These parties have noted that the definition of this category of licensee is overly broad and will include a significant number of entities the Commission explicitly intended to exclude from the requirement: "local SMR licensees offering mainly dispatch services to specialized customers in a non-cellular system configuration".³ In light of the discrepancy between the actual wording of the covered SMR provider definition and the FCC's description of the entities intended to be included within that category in this and other proceedings, AMTA also has filed a Petition for Declaratory Ruling requesting that the Commission clarify this ambiguity by refining its definition in accordance with language proposed in that Petition.⁴ The FCC has not yet acted directly on that Petition. However, the Commission has agreed in the context of another proceeding, that its initial definition of "covered SMR" is too broad, and that non-cellular-like systems in whatever CMRS service should not be subject to technical obligations with which their facilities are not capable of complying.

5. The FCC took the opportunity to review its generic covered SMR provider definition in the E911 proceeding and agreed, at least with respect to its E911 requirements, that its definition is too broad. In the MO&O the Commission

conclude[d] that the 'covered SMR' definition should be narrowed to include only those systems that will directly compete with cellular and PCS in providing comparable public mobile interconnected service. We agree, as several petitioners suggest, that the best indicator of an SMR provider's ability to compete with cellular and broadband PCS providers in this respect is whether the

³ First Memorandum Opinion and Order and Order on Reconsideration, CC Docket No. 95-116, FCC 97-74 (rel. March 11, 1997) ("Order"). Additionally, AMTA has explained that,

⁴ AMTA Petition for Declaratory Ruling, CC Docket Nos. 94-54, 94-102, 95-116 and ET Docket No. 93-62, filed December 16, 1996.

provider's system has "in-network" switching capability. The switching capability allows an SMR provider to hand off calls seamlessly without manual subscriber intervention. In-network switching facilities also accommodate the reuse of frequencies in different portions of the same service area. Frequency reuse enables the SMR provider to offer interconnect service to a large group of customers, which enables the provider to compete directly with cellular and PCS. We therefore adopt these criteria as the basis for our definition of "covered SMR."

6. Like the E911 obligations, number portability requirements as currently in place presume system capabilities beyond those of traditional SMR providers, even those who may be operating with a geographic area license that places them within the covered SMR definition. Unlike subscribers on cellular systems and the PCS systems implemented and proposed to date, only a relatively small percentage of SMR customer units are even capable of interconnection with the public switched network; most operate in a dispatch-only mode. Moreover, among those SMR systems that provide interconnect capability, only a small number of advanced, higher-capacity, consumer-oriented SMR systems assign individual telephone numbers to handsets. The majority of SMR stations are designed to allow those customer units with interconnect capability to share a limited number of telephone numbers assigned to the SMR licensee itself. Thus, with only a few exceptions, SMR customers do not have individual telephone numbers to port. Because interconnection typically is offered as an ancillary feature on all but the most technically-advanced SMR networks, most systems do not have, and have no intention of implementing, the components expected to be needed to permit the porting of numbers; i.e., SS7 signalling, AIN/IN to do database queries and responses, and AIN triggers.

7. AMTA urges the FCC to apply the same definition to its number portability rules as was adopted for E911. Additionally, AMTA requests the Commission to toll its implementation schedule for SMR providers. The implementation period should not be

considered to have begun to run for SMR operators until the FCC addresses the covered SMR provider definition raised on reconsideration in this proceeding, as well as in AMTA's Petition for Declaratory Ruling.

III. Conclusion

AMTA urges the FCC to act expeditiously to resolve the covered SMR provider definition issue, and to toll the time period for SMR licensees to meet their number portability obligations until that decision is made.

CERTIFICATE OF SERVICE

I, Kathy Baer, a secretary in the law office of Lukas, Nace, Gutierrez & Sachs, hereby certify that I have, on this January 9, 1998, caused to be hand carried a copy of the foregoing Comments to the following:

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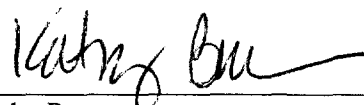
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